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PETITION

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CITIZENS OF NEW ORLEANS,

CREDITORS

OF THE

LATE REPUBLIC OF TEXAS.

TO THE

THIRTY-SECOND CONGRESS.

NEW ORLEANS: HINTON & BRO. PRINT, NO. 52 GRAVIEK STREET.

1852.



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OF THE

LATE REPUBLIC OF TEXAS,

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NEW ORLEANS:
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PETITION.

To the Honorable

SENATE AND HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

THE UNDERSIGNED CITIZENS OF NEW ORLEANS, IN THE STATE OF LOUISIANA, CREDITORS OF THE LATE REPUBLIC OF TEXAS,

By this their Petition, respectfully beg leave to lay before your Honorable Body, their grievance touching the debt of the late Republic of Texas, in which they are deeply interested; having been for many years holders of the bonds, and other evidences of debt, of the said late Republic: And in the enjoyment of this favored privilege, of which they are in a high degree sensible, they most respectfully approach you in the attitude of creditors, suffering from long deprivation of their dues, justly and assiduously earned, and most unreservedly confiding in your wise and skilful counsel, and in your unqualified devotion to the dispensation of justice. It is, then, in the consideration of those sublime elements governing the action of your Honorable Body, and in pursuit of their inalienable rights, that they present themselves in the simplicity of citizens, seeking

at your hands redress in a just cause, and the restitution of their just rights.

Your Petitioners would represent, that they, in common with many other citizens of New Orleans, had been dealing with the people of the Republic of Texas, which then possessed an independent form of government; and that they, during such commercial intercourse, became possessed of the bonds, and other evidences of debt, of that Republic. They would likewise represent, that esteeming the Republic of Texas an independent government, and in its destiny promising to fill an exalted position in the rank of nations, they in confidence relied on the faithful discharge of its just indebtedness. And moreover, were they further inspired with confidence, from the important consideration of the sacred pledge of the public faith, and from the solemn hypothecation of the impost duties and other revenues, and the public lands thereof, having been thus severally and jointly pledged for the redemption of its liabilities. And in such confidence did your Petitioners hold their claims, in expectation that they would be as faithfully redeemed, as had been sacredly pro-Circumstances have destined otherwise; and by the act of annexation to the Government of the United States, the support of that reliance—the independent Republic, and the glory and pride of a national identity—have been extinguished; and through that extinguishment of nationality, and the consequent helplessness, growing out of the full surrender of their available resources, your Petitioners were virtually debarred from appealing to a sovereign people, who had, in the early and gloomy exstence of their Government, authorised and ratified negotiations for the procurement of that aid so vital to their success, and so indispensible to their well-being.

Your Petitioners were satisfactorily impressed that the consequences flowing from annexation rendered the Government of the United States justly liable for the indebtedness of the said Republic; they were nevertheless constrained to abide patiently the action of the State of Texas, inasmuch as said State was composed of the people of the Republic of Texas, and had assumed the debt, and accepted as an equivalent the unoccupied domain of that Republic, which afforded ample means to discharge the said liabilities. In consideration of the adoption of a measure so commensurate with the exigency, and trusting to the honor and integrity of the State of Texas in the application of that measure, your Petitioners cherished the expectation, that so soon as prosperity dawned on that people, thereby enabling them to dispose of the lands thus set apart, they would realise the sum of their claims. That adventitious period has arrived, and the full tide of prosperity is realised; but consequences arising from inability to discharge the debt for a term of years subsequent to annexation on the one hand, and the changes effected by the influx of emigration into Texas, and thereby changed views and feelings, on the other hand, have completely effaced the moral obligation of that people to discharge the debt that had been assumed by their predecessors.

It is, then, from such circumstances, that your Petitioners have been and are now deprived of their just rights; and it is from such circumstances, that they are now impelled to invoke and appeal to you in your administrative capacity.

Agreeable to the terms of annexation, such available means as the Republic of Texas possessed were transferred to the United States; and as well, also, was surrendered to the United States all control over the revenues arising from import duties.

And in consideration of which revenues, with other resources, being, at the time of annexation and transfer, solemnly pledged for the redemption of the debt, your Petitioners confidently believe, that the Government of the United States is justly liable for the payment of the debt, and that the dictates of sound reason absolutely confirm such opinion; in which they are likewise supported by the declared opinion of many distinguished statesmen.

Your Petitioners would likewise respectfully submit to your matured and unbiassed judgment, the renewed and sacred obligation on the part of the United States, growing out of the stipulation offered and ratified by the Government of the United States, in the purchase of a part of the domain embraced within the line of the State of Texas, but nevertheless specially appropriated for the payment of the debt of the Republic of Texas.

The purchase and payment, in part, have been accomplished, without inuring to the benefit or advantage of your Petitioners, who had, both prior to and from the terms of annexation, a lien against said lands. Then, and in consideration of such lien having been consummated by the act of the Government of the United States, no possible interpretation, in conformity to "law and equity," could justify, or reasonably be advanced in behalf of, a delivery of the purchase money, without providing a safe application of it in the payment of the debts and liabilities of the Republic of Texas.

The act of annexation, while it declares that the United States Government shall in no event become liable for the indebtedness of the Republic of Texas, also specially provides that the unappropriated lands shall be set apart for the payment of that indebtedness, and "the residue of said lands, after discharging said debts and liabilities, to be disposed of as the State of Texas may direct."

So important a provision, executed agreeably to its declarative import, would have produced, in the course of time, ample means for the discharge of the existing debt, and would have assured to your Petitioners the payment of their claims. The condition of that enactment has been lost sight of, in the more important and absolute necessity of harmonizing the discordant clamor, consequent upon the conflicting questions, and from the threatening aspect that prevailed in the halls of Congress in its session of 1849–'50; and which involvement demanded that the interest of the few should succumb to the good of the whole.

Your Petitioners, however, from intimations that had already been divulged by the Texas authorities, were apprehensive that good faith would not prevail: yet they were constrained to abide quietly the result, in just apprehension that difficulty might ensue in the event of Congress declining to credit the integrity of Texas.

The application of that judicious policy, through the untiring and devoted zeal of the Thirty-First Congress, accomplished the desired end, and instead of anarchy, harmony prevailed, by which the Union, untarnished and immutable, is preserved inviolate, —the invaluable bequest of futurity.

Your petitioners viewed with intense interest the Congressional debates of 1849-'50; and they pondered with fearful anxiety the gloomy aspect, and the ominous forebodings that fell from the lips of many of the honorable members engaged in the great struggle for the maintenance of the Union. And when the voice of wisdom predominated, and the great compromise measures were consummated, none more than your Petitioners hailed with glad delight the adoption of those mea-

sures, as promising perpetuity to the Union, and "peace and good will to man." And they, not forgetting the welfare of their fellow citizens, and not lacking in patriotism, but ready and desirous to yield personal advantages to the behests of their country, in so trying an emergency, rejoiced in the happy issue: and they are constrained to say, that they should continue to rejoice, even should permanent loss result, and total obliteration ensue to their just claims.

Your Petitioners come before your Honorable Body with feelings of much delicacy, and as citizens of the United States deploring the occasion which has compelled them to invoke your action in a matter so justly presumed to have been satisfactorily disposed of by the carefully applied action of the Thirty-first Congress. Deeply deploring it, as they do, gladly would they silence complaint, and cheerfully submit to the sacrificial altar prepared for them, were they not compelled to appear before you from the indispensible necessity of possessing once more their justly earned acquisitions.

It is familiar to your Honorable Body, that Congress, in September, 1850, passed an Act stipulating to give to the State of Texas Ten Millions of Dollars in United States stock, in consideration of said State transferring to the Government of the United States a certain portion of the public domain embraced within the boundary of that State. And it is equally as familiar to your Honorable Body, that the thus liberal appropriation was made mainly on the ground of the large indebtedness of the late Republic of Texas remaining unpaid. In view of so large an indebtedness due from the State of Texas, and yet binding on the Government of the United States, unless discharged by that State, the liberal sum of ten millions of dol-

lars was proposed, with the implied understanding that it would be faithfully applied to the payment of the debt. Indeed, such consideration was advanced on the floor of Congress by the honorable members from the State of Texas, or at least by a part of those members, and with an eloquence and an ingenuousness becoming their elevated position, did they advocate the cause of their State.

Though be it far from the design of your Petitioners to reflect discredit or to impugn the motives of those honorable members; for they feel assured, and implicitly do they confide in the statements and intimations uttered, to be but the faithful outpourings of their own unfeigned views of justice and of their high sense of honor, and as such, believed by them to be entertained by their constituents. The records of their debates most clearly demonstrate the intention of those members. Delicacy and respect for them forbid a repetition of their pleadings here; yet your Petitioners, not deeming it an encroachment on the principles of etiquette, would most respectfully call your attention to a bill prepared for the occasion by one of the honorable members of the State of Texas, in which may be found embraced this article, to wit:—

"And be it further enacted, that so soon as satisfactory evidence shall be produced to the President of the United States, that Texas has relinquished all claim to the territory in the first section of this Act contained, it shall be the duty of the President to cause to be issued to the creditors of said State of Texas bonds bearing — per cent. interest and redeemable in — years, to an amount not exceeding ten millions of dollars."

Thus clearly indicating their integrity of purpose, their views

of justice, and their design in the application of the purchase money to the payment of the debt.

The measure of a liberal appropriation was in like manner supported by other honorable members, who, though admitting the liability on the part of the United States, likewise advocated that the State of Texas should be permitted to receive and disburse the purchase money, not doubting her motives, but relying on her patriotism and good faith. The propriety of such course, inasmuch as that State had assumed the debt, and also possessed the records of the existence thereof, and in consideration of an appropriation being provided almost sufficient for the payment of the whole debt, could not consistently be questioned.

It was in consequence of the representations of so large an indebtedness existing, that so liberal an appropriation was provided; and from the confidence reposed in their integrity, five millions of dollars, one-half of said appropriation, was placed at the disposal of the State of Texas, it being deemed complimentary, or more respectful, to leave entirely in her hands the application of it to the payment of the debt, and in order thereby that her constituted authorities, to that extent, might immediately "wipe out the debt."

Notwithstanding the important considerations to prompt the recipients of so liberal an appropriation to act justly, not to say liberally, toward their creditors, an opposite course is pursued, causing vast derogation and great injustice to your Petitioners. The action of the constituted authorities of the State of Texas, tends directly to divert a large part of the appropriation from its intended purpose. For though it was evidently intended to pay off the debt of the late Republic of Texas, the Legislature of the State of Texas, during its present session,

has passed an Act* affirming prior Acts† which authorised a system of scaling or reducing the bonds and other liabilities thirty, fifty, seventy, seventy-five and eighty cents on the dollar; and in consequence of such reduction, agreeable to the Report‡ of the Auditorial Board, the whole debt, as ascertained and estimated inclusive, amounting to \$12,436,991 34, is reduced to the sum of \$6,827,278 64, which is assumed to be the available sum realized by the late Republic of Texas, and which includes interest on only a portion thereof up to the first July, 1850, though since which time, agreeable to the available code, adopted for extinguishing liabilities, interest has ceased to accrue.

Neither are your Petitioners offered the reduced sum of indebtedness respectively due, in accordance to the scaleage system. By an Act § passed during the present session of the Legislature of the State of Texas, the creditors are required to file releases for their claims as against the United States, and the payment thereof, in the reduced sum assigned them, is moreover deferred until the Government of the United States acquiesces in the relinquishment to the State of Texas the reserved stock of five millions of dollars, the remaining half of the purchase money now in the United States Treasury Department, and which, agreeable to the terms of the Boundary Bill, is to be retained by the United States until those creditors holding a specific class of liabilities shall file releases for their claims as against the United States. The design of such measure, on the part of the Texas State authorities, being for the obvious purpose of destroying the lien of the creditors against the United States, and in order to obtain possession of the

^{*}Appendix E. † Appendices B and C. ; Appendix D. Appendix T.

means intended for the payment of the debt, with motives inimical to the interests of your Petitioners, they are forced to decline complying with the terms thus dictated to them, and to come to you for your protection and more equitable action.

Touching such scaleage system, your Petitioners earnestly remonstrate against it, as possessing neither sanction of authority to uphold it, or the principles of equity to recommend it. It dispenses unequally and acts arbitrarily, inasmuch as like issues, created under the same act authorizing those issues may be found classed as having been available to the Republic, at thirty cents in the dollar and at one hundred cents in the dollar, when, in reality, they were each available at ninety-five to one hundred cents in the dollar.

The system referred to was originated and proposed at a time when the State of Texas was without means, and with a tacit acknowledgment of bankruptcy impressed on the escutcheon of her treasury; and though with a dark and gloomy prospective, neither sustained was it by the dictates of justice, nor acquiesced in by the creditors, except so far as to surrender to the Auditorial Board their original evidences of liabilities. And in order to enforce which measure, the State of Texas passed an Act* compelling creditors to surrender their claims for that purpose, by September 1, 1851, or be forever denied recognition as creditors. Thus were your Petitioners induced and forced to transmit their claims, in order to secure recognition thereafter, in the reduced sums due them respectively, in accordance to said scaleage system; and thus have they, in the submission of their claims, received full recognition as creditors, by the con-

* Appendix C.

stituted Board of the State, possessing the records of the outstanding liabilities: and thereby have your Petitioners procured, and are now in possession of, vouchers or certificates, which alike set forth the full sum and character of their claims in detail, as created and issued by the Republic of Texas, as well as the reduced sum sanctioned by the State authority, as having been available to that Republic. For the purpose of precise indication of the above-named certificates, a fac simile thereof, in substance, is herewith presented.*

Your Petitioners deny the right, or justice, of such scaleage system, or the act of repudiation of any portion of the bonds, or other liabilities held by them; and they do most solemnly protest against such measure, it being an usurpation of their just rights. They therefore are compelled to come to your Honorable Body, the representatives of the Government of the United States, on which Government alone can they rely, and to which alone they are forced to look, for a faithful discharge of the liabilities of the Republic of Texas. And they are of opinion, that their rights, if left at the disposal of the State of Texas, must be largely sacrificed; while they verily believe that no possible prospect exists, or ever will prevail, whereby justice will be meted They also believe, and with deference state, that out to them. no authority is vested in the State of Texas, to justify that State to sit in judgment on the liabilities of the Republic of Texas, in so far as touches the availability or sum realized by that Republic; inasmuch as such was not in controversy, or a point at issue between the Republic of Texas and her creditors. If there is an existing right, thus to reduce the sum of the

^{*} Appendix G.

claim of your Petitioners, it is a community right, and is vested alone in the confederacy.

In relation to such repudiative doctrine, adopted by the constituted authorities of the State of Texas, as being unjustifiable, your Petitioners would beg leave to refer your Honorable Body to an Act passed by the Congress of the Republic of Texas, approved 5th February, 1840, a correct copy of which is herewith appended.*

The stock certificates issued in lieu of the Treasury or promissory notes, designated by the Act referred to, are reduced by the authorities of the State of Texas to thirty cents in the dollar, bearing eight and ten per cent. interest on the reduced sum up to July 1st, 1850; while the same description of notes as those forming, in a large degree, the basis of said stock certificates, though not surrendered to the Republic of Texas for the purposes provided by the Act, are variously classed by the State authorities as available to the Republic at one hundred cents in the dollar, and at fifty cents in the dollar, with ten per cent. interest thereon, computed to 1st January, 1841, and also at the reduced sum of twenty-five cents in the dollar, on a very considerable amount, and bearing no interest whatever.

Your Petitioners, in virtue of the Act above referred to, claim the consideration of most important principles, as having been established, to wit: First, that the Republic of Texas, during its existence, acknowledged the full indebtedness of its liabilities, as promised and as issued, and that instead of repudiating any portion of the debt, the Congress of that Republic adopted measures to provide faithfully for full payment and interest thereon.

*Appendix A.

Second, that the adoption of such act declares the good faith preserved by the Republic toward the creditors, and that in consequence thereof, and the subsequent absorption of the nationality of the Republic of Texas by the Government of the United States, the liability for the payment of the debt justly and irresistibly attaches to the latter Government.

The authorities of the State of Texas, in the adoption of their repudiative measure, in contradistinction to the act of the Republic, commit a palpable infringement against the rights of your Petitioners, and violate a most sacred trust, inasmuch as they arrogantly attempt to reduce the sum of the just and true indebtedness, and surreptitiously thereby do they endeavor to convert, to the uses of the State, the means provided and intended, by the Congress of the United States, to be applied in the payment of the claims of your Petitioners.

Your Petitioners would respectfully refer your Honorable Body to the Report of the Honorable Secretary of the Treasury, addressed to the President, bearing date 13th September, 1851. Said Report sets forth the particulars and character of the debt in detail, and also embraces the opinion of the Honorable Secretary touching the liability of the United States, for a large portion of the debt, and which has likewise received the sanction and concurrence of his Excellency the President; and in accordance thereto, his decision to that effect has issued from the Treasury Department, under date 15th September, 1851.

The terms of the Act approved 9th September, 1850, and known as the Texas Boundary Bill, circumscribes the enquiry into the liability of the United States for only such part of the debt for the payment of which duties on "imports were specially pledged." Hence, the report of the Honorable Secretary, being

in precise conformity to such requirement, embraces his opinion touching the liability of the United States for that specific character of indebtedness; and consequently the decision of the President, in like manner, is confined to the liability of the United States for the payment of only so much of the debt "for which duties on imports were specially pledged" for the redemption of, and, therefore, other liabilities, equally as binding on the Government of the United States, are not embraced in that decision.

Of the liabilities which are not embraced in the decision, as attaching to the Government of the United States, is that portion of the debt referred to in said report, under "Schedule C," created under "Act of 5th February, 1840," and known as "eight and ten per cent. Funded Debt."

Some of your Petitioners are interested in this description of liability: having participated in the cause of the liberty of Texas sixteen years ago, they then advanced means necessary to the wants of a people struggling for freedom; and thereby became creditors of that Republic, and were subsequently duly In the adjudication of their claims, acknowledged as such. they received the issues of the Republic, at their par or face value, in payment, at one hundred cents in the dollar. evidences of liabilities they subsequently, and in consequence of inducements held out in the Act of 5th February, 1840, were induced to fund; accepting, in place thereof, stock certificates. Hence, that which was actually invested sixteen years since, at the rate of one hundred cents in the dollar, and so adjudicated by the Republic of Texas, is now, agreeable to the Auditorial Board of the State, reduced to thirty cents in the dollar.

Agreeable to the Auditorial Report of Texas, it is audited as "First Class" claims, and, as such, is, with an inconsiderable exception, the only portion of the debt which the Act* recently passed by that State provides for the payment of, at a reduced value, out of the five millions now in the control of the State. All such other portion of the "First Class" indebtedness, not embraced in the President's decision, is also provided for, but in full, as well as immediate payment, out of the said means now in her possession.

The Act of 5th February, 1840, not only established a par basis for all outstanding liabilities, but it likewise "held out inducements to the creditors to surrender a revenue currency and to take one which could not be used in that way," though otherwise more desireable as an investment.

The character of the liabilities, and the amount thereof thus surrendered, constituting that portion of the debt in question, are set forth and plainly indicated by the supplemental Report of the Auditorial Board, a copy of which is herewith appended.† Said Report fixes the basis of the liability referred to, as being composed of "Audited Paper" and "Treasury or Promissory Notes;" the former of which, agreeable to the Report,‡ indicating the availability, is rated at one hundred cents in the dollar, and the latter variously rated at one hundred cents, fifty cents and twenty-five cents in the dollar, while the description of liability in question, though composed of said "Audited Paper" and "Treasury or Promissory Notes," is reduced to thirty cents in the dollar.

The act referred to continued in force during the existence of the Republic, being then, by the Act of Annexation, extinguished, and the advantages thereof alike destroyed and lost to your Petitioners. Under such circumstances, and on the indisputable

^{*}Appendix F + Appendix H. Appendix D.

and sacred principles herein set forth, the liability of the United States for the payment of this character of indebtedness, attaches with equal force and justice, as does that portion of the debt for which "duties on imports were specially pledged."

In view of these facts, your Petitioners respectfully invoke that they may be authorized, in accordance with the act passed by the Legislature of Texas for the payment of the reduced sum thereof, to accept from the State of Texas the sum proffered, without prejudice to their claims against the United States for the balance due them, respectively, on account of such liability.

By the Act of Annexation to the Government of the United States, every vestige of security has been virtually destroyed and lost to the creditors: the import duties have been diverted from their just and proper appropriation—the identity of a Sovereign Power annihilated, as well as the pledge of the Domain created by that Power for the payment of the debt.

The appropriation of that Domain to the security of the creditors, and final payment of their claims, although solemnly renewed by the terms of Annexation, has been, by a direliction of legislative enactment, likewise rendered of no avail, and thereby lost to the creditors. And notwithstanding the Domain thus pledged, has, by the sale and transfer to the United States, changed ownership, the lien is unchanged, and the sacred pledge thereof for the payment of the debt still exists, but is utterly unavailing to the creditors, they having no possible recourse whereby they can enforce their rights.

Your Petitioners would respectfully state that the terms of annexation, declaring that the Government of the United States should in no event become liable for the debt of the Republic of Texas, was both unauthorised by the law of nations, and unsupported by the principles of moral jurisprudence. Neither did such declarate

ration extinguish or abate the claim of your Petitioners as against the Government of the United States. For while they were not permitted to participate, and were and are impotent, powerless, and in no wise capable of effecting redress, their claims, nevertheless, possess a sacred existence, founded on the principles of "Law and Equity," and must remain perpetual, unless disposed of in conformity to those cherished principles, governing the action of the Government of the United States, in the progressive developments of equal rights, and in the universal dispensation of those pure and holy ethics, so unequivocally claimed as the established principle of action.

The sacred and immutable principles involved in the propositions herein presented, the intimate connection of those principles, existing and associated as they are with your meditations, inspires assurance of early action, and instils confidence in your Petitioners to centralize those principles forming the basis of their demands as against the Government of the United States, and constrains them to invoke your invaluable consideration in their claims growing out of the following fundamental truths:

FIRST.—From the liability attaching to the United States on the settled principles established as the law of nations, to wit: The liability of the dominant nation, when it absorbs the nationality of another, for the payment of the existing indebtedness of the nation so absorbed.

SECOND.—From the liability attaching to the United States, on the principles maintained in "Law and Equity," to wit: In having devoted to its own uses the fruits of a system of revenue, which was the subject matter pledged for the redemption of existing liabilities.

THIRD.—From the liability attaching to the United States on

the fixed principles of jurisprudence governing the action of all civilized governments, to wit: the obligation, on the part of the purchaser of pledged property, to direct the positive application of the purchase money to the pledgees.

FOURTH.—From the liability attaching to the United States; on the overruling and most sacred principles of moral obligation, to dispense justice and equal rights.

Your Petitioners therefore solemnly invoke your consideration in the character of their claims as against the Government of the United States. And they likewise invoke that they may not be placed in the breach touching a question as pending between that Government and the State of Texas. They earnestly pray that they may be treated and dealt with in a manner corresponding to the high privilege they enjoy as creditors of the United States.

With unbounded confidence have they ever relied, and never doubted but that the Government of the United States would take the necessary action in the question when occasion required. That occasion has now presented itself, and it is therefore to you, in your wise and scrupulous dispensations of justice, that your Petitioners look, with unmeasured confidence, for the restoration of their long dormant, but just and equitable rights.

In consideration of these grave and momentous truths, your Petitioners appeal to your Honorable Body, confidently impressed with the belief that their prayer will be heard, and that they will be answered in accordance with their just demands; and they therefore, with implicit confidence, repose their rightful demands and interests with your Honorable Body, earnestly invoking your early action, and thereby relieving them from cares and struggles long supported in hope of relief.

They ask to be heard from the justice of their cause, and

they would seek an asylum for their grievance, and a genial and kindly remembrance in the abode of supreme wisdom and judgment. Their prayer is not of charity or of liberality, but of justice and of necessity; and they invoke your action that all things may be so ordered, and settled upon the best and surest foundation, that justice and judgment may be established, and through which the rights of your Petitioners may be restored.

The importance to your Petitioners that these truths should receive the meditation of your Honorable Body cannot be magnified; and in order to secure those meditations so vital to them, they have not lost sight of the vast importance of laying before your Honorable Body, a distinct and truthful statement of facts pertaining to their grievance; though in their prayer for relief your Petitioners would not seek the adoption of a measure at variance with the dictates of justice. Sedulously would they avoid approaching your Honorable Body unsupported in their prayer by the co-existence of justified and honorable endeavors and reasonable expectation, as motives of inducement to come before you, in whose wisdom and sense of justice they do, in unmeasured satisfaction, confide.

R. W. MILBANK & Co.
I. D. FULLER & Co.
GARDNER, SAGER & Co.
WARNEKEN & KIRCHHOFF,
W. A. GASQUET.
JNO. R. MARSHALL,
ROBERT GEDDES.
M. J. LIZARDI,
MATEO LOPEZ,
MANUEL DE LA QUINTANA.
F. PUIG Y PUIG.
C. PHILLIPI.

New Orleans, February, 1852.

APPENDICES.

APPENDIX A.

AN ACT

To provide for the redemption of the promissory notes of the Government now in circulation, and for funding other liabilities of the Government.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the secretary of the treasury be, and he is hereby authorized and required, so soon as may be, to procure to be engraved or lithographed, as he may deem best, in order to prevent falsification, a sufficient number of certificates in blank, in such form and manner of wording as may best adapt them for the use of certificates of stock in the funded debt of Texas, to be transferable by simple endorsement, and for sums of one hundred, five hundred and one thousand dollars, causing the proportion of the smallest denominations severally to exceed that of the largest.

SEC. 2. Be it further enacted, That all sums of the promissory notes of this Government in circulation, which shall be presented to the stock commissioner prior to the first day of July next ensuing, (if in sums to suit the denominations of the certificates,)

shall be admitted for funding, and certificates of stock, as before provided; shall be issued to the holder or holders of such pro missory notes for the amounts so presented, which certificates so issued shall bear on the face of them an annual rate of interest of 10 per cent. payable semi-annually in gold or silver, at the Treasury department, to the holder thereof; the first payment of interest to be made on the 15th day of December next, and said certificates shall be made redeemable at the pleasure of this Government after the 30th day of June, 1845.

SEC. 3. Be it further enacted, that all other liabilities of the Government, which may have been properly and regularly audited, shall be admitted for funding, and certificates for the same shall be issued by the Stock Commissioner, bearing the same rate of interest of ten per cent., and payable semi-annually, in gold or silver, the first payment of interest to be made on the first day of March, 1841, and also redeemable at the pleasure of the Government, as provided in the foregoing section.

SEC. 4. Be it further enacted, from and after the first day of July next ensuing, the promissory notes of the Government which may be presented for funding shall only be entitled to receive from the Stock Commissioner certificates of stock bearing a rate of interest of eight per centum per annum, interest payable semi-annually, in gold or silver, the first payment of interest to be made on the 15th day of April, 1841, and redeemable in the manner provided in the second section of this Act.

SEC. 5. Be it further enacted, that it shall be the duty of the Stock Commissioner to keep such books of record and account as the Secretary of the Treasury may direct, besides making and preserving proper files of all vouchers and evidences of debt which may be presented for funding, and also a book in which all persons who may fund promissory notes, or other liabilities of the Government, shall subscribe his, her or their names and proper and usual signatures, opposite to the recorded numbers of the certificates of stock which he, she or they may have issued to

them, and receive from the Stock Commissioners; and which books shall only be subject to the inspection of the Secretary of the Treasury and the Treasurer.

- SEC. 6. Be it further enacted, that so much of all previous laws which have been enacted, as in their provisions conflict with this, be, and the same are hereby, repealed.
 - D. S. KAUFMAN, Speaker of the House of Representatives.
 D. G. BURNET, President of the Senate.

Approved 5th February, 1840.

M. B. LAMAR.

APPENDIX B.

AN ACT

To provide for ascertaining the debt of the late Republic of Texas.

- SEC. 1. Be it enacted by the Legislature of the State of Texas, That the Auditor and Comptroller of Public Accounts, as soon as practicable after the passage of this act, shall cause six months' notice to be given, by publication in some newspaper published weekly in the city of Austin, New Orleans, Washington City and New York, requiring all persons having any claim or demand for money against the late Republic of Texas, to present the same to the Auditor and Comptroller of Public Accounts, on or before the second Monday in November, 1849; and all claims that shall not be presented on or before that time shall be postponed.
- SEC. 2. That it shall be the duty of the Auditor and Comptroller jointly to receipt, under their seals of office, for all claims presented to them, setting forth the par value thereof, at the time the same accrued, or were issued, the name of the person to whom the debt accrued, the date and amount thereof. The

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Auditor and Comptroller shall each keep a correct list, in books kept for that purpose, separately. First. The audited or ascertained claims; such as stock bonds, treasury notes, military scrip, or any other audited or ascertained claim. Second. All claims with sufficient evidences and vouchers to authorize them to audit, under the late Republic of Texas. Thirdly. Such claims as are not sufficiently authenticated by vouchers. It is hereby made the duty of the Auditor and Comptroller to report to the next session of the Legislature, for its action.

SEC. 3. That it shall be the duty of the Comptroller and Auditor jointly to report to the next biennial session of the Legislature, for final adjustment, the whole amount and character of the public debt ascertained, according to the provision of this act, together with such suggestions concerning the same, as they may think just and proper; and they shall likewise report, semi-annually, from the 1st of May, 1848, to the Governor, the amount and character of claims presented and filed in their office; and it shall be the duty of the Governor to cause a synopsis of the report to be printed in some newspaper at the seat of Government in the State.

SEC. 4. That it shall be the duty of the Auditor and Comptroller of Public Accounts to classify all claims presented under the provisions of this Act, reducing the same to the actual par value which may have been realized by the late Republic, and may report such further classification as they may deem best calculated to preserve the rights of the State, and to do equity to the holders of the claims; and the classification and rate of payment recommended by the Auditor and Comptroller shall be subject to the revision, amendment and ratification of the next Legislature, and that this Act take effect from and after its passage.

Approved March 20, 1848.

APPENDIX C.

AN ACT

To extend the provisions of an act, entitled "An act to provide for ascertaining the debt of the late Republic of Texas," approved March 20, 1848.

SEC. 1. Be it enacted, by the Legislature of the State of Texas, That the time within which it shall be necessary for the creditors of the late Republic of Texas to present their claims for money to the Auditor and Comptroller be, and the same is hereby, extended to the first Monday in September, in the year eighteen hundred and fifty-one, and all claims not presented by that time shall be barred.

SEC. 2. Be it further enacted, That the Auditor and Comptroller shall immediately cause a notice of this extension to be published, for three months, in some weekly newspaper printed in Austin, and, in other respects, the said officers shall be required to perform the same duties as heretofore, in the manner contemplated in the law to which this is a supplement.

SEC. 3. Be it further enacted, That this act take effect and be in force from its passage.

Approved February 8th, 1850.

APPENDIX D.

AUDITORIAL REPORT

ON THE

PUBLIC DEBT OF TEXAS.

JOINT REPORT.

Austin, November 12, 1851.

To the Honorable Legislature of the State of Texas:

In conformity to the requirements of "An act to provide for ascertaining the debt of the late Republic of Texas," approved 20th March, 1848, and the act supplementary thereto, approved February 8th, 1850, we respectfully submit the following report, exhibiting the amount, character and classification of the claims filed and receipted for by us, under the provisions of said acts:

FIRST CLASS,
Consisting of Audited or Ascertained Claims.

Character of Liabilities receipted for.	Ostensible.	Rate	Par Value.
 Ten per cent. Consolidated Fund, created by Act of 7th June, 1837, Ten per cent. Consolidated Fund, created by Act of 7th June, 1837, 	\$632,526 80	at 70 ets.	\$442,768 76
issued under an Act for the relief of Swartwout and others,	7,970 48	1 00	7,970 43
Am't carried forward, -	\$640,497 28		\$ 450,739 19

Walter Commence of the Commence of Manager Commence of the Com			1 5 :	2 50 37 V	-
Character of Liabilities receipted for.	Ostensible	1.0		For Value	
Am't bro't forward -	\$640,497	23		\$450,739	19
3. Ten per cent. funded					
debt, created by Act of					
5th February, 1840,	754,000	00	at 30	226,200	00
4. Eight per cent. funded			cts.		
debt, created by Act of					
5th February, 1840, -	24,280	00	30	7,284	00
5. Eight per cent. Treasury					
Bonds, created by Act					
of 5th February, 1840,	766,800	00	20	153,360	00
6. Ten per cent. Treasury					
Notes, issued under Act					
of 9th June, 1837—first		0.0		47 000	0.0
issue,	41,630	00	1 00	41,630	00
7. Ten per cent. Treasury					
Notes, issued under Act					
of 9th June, 1837—se-	001 071	ΛΛ	~^	165 695	ξ Ω
cond issue,	331,371	VV	50	165,685	90
8. Treasury Notes, without					
interest, issued under Act of 19th January,					
Act of 19th January,	1,828,192	۸۸	25	457,048	00
1839—third issue,		UU	25	401,010	UU
9. Audited paper, issued under various enactments,	74,441	96	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	69,451	52
10. Miscellaneous liabilities		73	1 00	42,387	73
11. Ten per cent. Bonds, is-		10	1 00	,001	• .,
sued by Com'srs to ne-					
gotiate a loan for \$5,-					
000,000, viz:					
For loan obtained from					
Bank United States, -	457,380	00		400,000	00
For purchase of steamer		00		1	
Zavala	195,907	00	50	9 7.953	50
For purchase of Naval ves-	100,001	0.0		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
sels, under contract with					
F. Dawson, now owned					
by James Schott and E.					
D.Whitney,	280,000	00	50	140,000	0 0
_ · · · · · · · · · · · · · · · · · · ·					
Am't carried forward, -	\$5. 43 6,886	22		\$2,251,739	44
* **	** .				

Character of Liabilities receipted for.	Ostensible.		Rate	Par Value.	
Am't bro't forward,	\$5,436,886	22		\$2,251,739	44
12. Interest on the above		-			
liabilities, subject to in-					
terest as stated in the		-			
face of the certificates,	2,927,365	50	v'rs.	1,468,185	26
13. Additional interest to	00.004.054				
1st July,1850,allowed by		72		\$3,719,914	70
Act approved 11th Feb-					
ruary, 1850, on claims					
which had been audited		ne	,	110 004	00
prior to its passage, -	239,139	VO	v rs.	113,664	δŲ
Total am't filed of 1st Class,					
including interest due thereon to 1st July, 1850,		78		\$3,833,579	50
Less amount redeemed by		10		Φο,0οο,οιο	90
issue of Land Scrip, -	16,257	86	1 00	16,257	86
Total am't 1st Class debt,			1 00	10,201	
filed and unredeemed, -		92	1	\$3,817,321	64

SECOND CLASS,
Consisting of Claims sufficiently authenticated to admit them
to Audit, under the laws of the late Republic.

Character of Liabilities receipted for.	Ostensible.	Rate	Par Value.
14. Amount filed and receipted for	755,218 08	5	\$682,672 57
15. Am't filed and receipted			
for, as Third Class claim,	40.405.0		40.405.05
since recognized,	16,467 98	5	16,467 95
16. Am't audited by special	70.077 A		70 077 0 0
Acts of the Legislature,	72,077 28	8	72,077 2 8
Estimated amount on file, not acted on,	125,000 0		125,000 00
Less amount redeemed by	120,000 0	<u> </u>	120,000 00
the issue of Land Script,	\$968,763 2	8	\$896,217 80
and in payment of Re-	") -		n - 2
venue that accrued under			
the late Republic,	6,318 1	6	3,450 17
Total amount of Second			
Class debt filed,	\$962,445 13	$2 \mid$	\$ 892,767 63

THIRD CLASS,

Consisting of Claims not sufficiently authenticated to authorize their being Audited, under the laws of the late Republic.

Character of Liabilities receipted for.	Ostensible.	Rate	Par Value.
Amount filed and receipted		!	
for, less \$16,467 95, re-			
cognized and included in			
preceding statement of			
Second Class claims, -	47,675 1	0;	47,675 10
Estimated amount on file,			
not acted on,	50,000 0	0, 1	50,000 00
Total amount, Third Class,		-	
filed,	\$97,675 1	0, 1	\$97,675 10

RECAPITULATION.

		Ostensible Amount.			Par Value.
Amount of 1st Class,	-	§ 8,587,132 92	-	-	\$3,817,321 54
Amount of 2d Class.	_	- 962,445 12	-	-	- 892,767 63
Amount of 3d Class,	-	- 97,675 10	-	-	- 97,675,10
Totals,	_	\$9,647,253 14	-	-	\$4,807,764 37

From the foregoing statement, it will be perceived that the entire amount of claims filed, including interest on all liabilities stipulated to bear interest, amounts to nine millions six hundred and forty-seven thousand two hundred and fifty-three dollars fourteen cents; and, according to the value we have assigned them, they were worth to the Government four millions eight hundred and seven thousand seven hundred and sixty-four dollars thirty-seven cents.

As nothing has occurred since our report of 27th December, 1849, to induce a change in our opinions respecting the rule which governed us in assigning an equivalent value to each class of liabilities filed, we will repeat the substance of the remarks

in said report, as the reasons which guided us in the discharge of that part of our official duty.

TREASURY NOTES.

The first issue of this character of indebtedness is known as the printed interest notes. They were put in circulation during the fall and winter of 1837, for a temporary purpose, and until the engraved notes could be procured: as soon as they were received, the further issue and re-issue of the former ceased. This occurred before any perceptible depreciation had taken place, and it was the usage of the Department to cancel them as they were received. Hence, the Government, for this class of liability, received full consideration, and we have so rated it.

To the engraved interest notes, we have assigned an average value of 50 cents on the dollar. These notes were issued under the provisions of the same act that the printed bills were, and took their place. About the time of the first issue of these notes (the spring of 1838), this species of the government paper commenced depreciating in value, so that when the act of 19th of January, 1839, prohibiting their further issue, went into operation, they were worth but about 40 cents on the dollar.

To the treasury notes not bearing interest, generally known as Red Backs, we have assigned an average value of 25 cents on the dollar. These notes superceded the engraved interest notes above referred to, and the first issue of them was made during the spring of 1839, when they were worth about $37\frac{1}{2}$ cents on the dollar. They continued depreciating, so that in 1841, the Government was compelled to pay them out at from 12 to 15 cents on the dollar. The value which we have given them is conceived to be equitable, as an average, both to the Government and the holders. It is impossible to ascertain, from the date of the issue of these bills, as shown on the face, what they were worth when last paid out. For instance, a bill issued

in 1839 at, say 37½ cents on the dollar, and after having been returned to the treasury, in collection of revenue, may have been re-issued the year following at 25 cents on the dollar, and so on; and in 1841, when it may have been last paid out at one-eighth of its estensible value.

CONSOLIDATED FUNDED DEBT

OF 7TH JUNE, 1837.

The stock known by this title was issued under the provisions of an act of Congress, approved June 7th, 1837, and, could it be analysed, would be subject to the greatest variety of equivalent We found it impracticable to refer, in each instance, to the original record, to ascertain at what rate each claim had been audited, for which this stock was issued. Even had, or could we have done so, we would have failed to a great extent in acquiring this information, for the reason that the Government, for a long time, would not acknowledge any discount on her paper; and the result was, that accounts were made out, augmented in amount, so as to make good the deficit in the value of the currency. Hence, the only practicable mode which suggested itself, was to make an average of what the stock availed the Government; which we accordingly did, and assigned to it a value of 70 cents on the dollar. It is believed that this average is about what the Government received in the main, and will, with a few exceptions (which will be alluded to hereafter), fully remunerate the present holders, as it is now generally in the hands of third parties, who, in most instances, acquired it at a much less value from the original investor than that now assigned it.

EIGHT AND TEN PER CENT. FUNDED DEBT OF 5th February, 1840.

We have assigned to this class of securities an average value This stock was issued under the auof 30 cents on the dollar. thority of an act of Congress, approved February 5th, 1840, and was created for the purpose of withdrawing and lessening the amount of revenue currency then in circulation, with a view of enhancing the value of the residue. The inducements held out to the creditors to surrender a revenue currency, and to take one which could not be used in that way, was the promise of the Government to pay the stipulated interest semi-annually in specie; which, is well known, she was unable to do.* value attached to this stock may act onerously on some holders, but it will fully remunerate a large majority. It would be much more difficult in this fund than any other, to ascertain the exact value the Government received for the investments in it. as it is composed of interest notes, red backs and audited paper.

EIGHT PER CENT. TREASURY BONDS.

Twenty cents on the dollar is the average equivalent value assigned this class of the Government paper. These bonds were issued to supercede, to some extent, and take the place of treasury notes. There is less danger of individual hardship growing out of the assignment of an average equivalent value to these bonds, than that of any other of the Government securities; they were seldom ever issued at more than 25 cents on the dollar, and rarely less than 15 cents on the dollar. The value assigned them is deemed equitable.

AUDITED PAPER,

When issued at par, has been allowed accordingly; when less than par, a corresponding deduction has been made; the records and vouchers showing the rate at which it was audited.

* Italiaised by the Petitioners.

In the first class, are included the bonds issued to the Bank of the United States for a loan of \$400,000, obtained from that institution in the year 1839; also, the claim of James Holford and associates, for the purchase of the steamer Zavala. A value corresponding to what the Government actually received has been assigned to each.

Since our last report, Messrs. James Schott and E. D. Whitney have filed thir claims, composed of one of the bonds issued to Frederick Dawson, of Baltimore, in payment for the navy. These gentlemen, although not known in the contract, are acknowledged by Mr. Dawson to have been equally interested in that transaction; and the readiness manifested in aiding the cause of Texas, by undertaking and carrying out a contract requiring a large pecuniary outlay, at a time when the public credit was at an exceeding low stage, procured for the contractors the commendation of the late Republic. In assigning to this claim 50 cents on the dollar, as the value received by the Government, we have been governed by the law making the appropriation, and the contract entered into by the agent of the Government and Mr. Dawson. This contract, subsequently recognized by legislative enactment (a copy of which accompanies), stipulates the price of the vessels at \$280,000; to secure the payment of which, two bonds of the Republic, for \$280,000 each, were deposited with the President of the Girard Bank at Philadelphia, with the understanding that they could be redeemed at the end of twelve months, by the payment of \$280,000 and ten per cent. interest on the two bonds; otherwise, the said bonds to become the property of Mr. Dawson. The Government was unable to meet the payment at the time specified, and the President of the Bank, according to instructions, delivered the bonds, amounting to \$560,000, to Mr. Dawson. We accompany this statement with a communication from Messrs. Schott and Whitney, explanatory of their claim, which is marked "B."

It may be proper to remark, that the terms of the contract between the Government and James Holford and associates, for the purchase of the steamer Zavala, are similar to that entered into with Mr. Dawson.

In the average value assigned to the consolidated fund of 7th June, 1837, there came to our knowledge a few cases of hardship, where the Government had received full consideration for the original obligation, which had been converted into this fund, and yet owned by the original investor. Had we departed from the rate we had assigned to this or any other character of liability in one instance, no matter how justifiable, others, not possessing the same merit, would have claimed it; and the consequence would have been, that but few claimants would have been satisfied with any other classification than that of par. For this reason, we determined, in all instances, to adhere to the rate affixed to each class, and report such cases of hardship as might arise to the Legislature, in order that such relief may be awarded in the premises as appears to be just. We therefore accompany this report with a statement marked "C," of such cases, and hope the same will receive your favorable consideration. In this connection, we refer you to the communication of Dr. John W. King, upon the subject of his claim, which is enclosed in the statement last named.

On the liabilities stipulated to bear interest, we have calculated it from the date of last payment to the 1st of July, 1850, in accordance with an act approved February 11th, 1850, except the interest treasury notes, on which we have allowed interest to the 1st of January, 1841; as all holders of this character of notes were required to fund them by that time, and the appropriation for the further payment of interest on said notes was cancelled.

It may be proper to remark, that we have attached the same value to the interest which had accrued on the several classes of liabilities that we attached to the liabilities themselves.

THE SECOND CLASS

Is composed of claims against the late Republic of Texas which had not previously been audited, but contracted under the sanction of law. We have assigned to this class of claims, as we did to the first class, an equivalent value proportionate to what each claim availed the Government in gold and silver, as far as it was in our power to do. Owing to the large number of claims filed, immediately preceding the expiration of the law under which we acted, we have been unable to complete the examination and registration of the second and third classes. We have, therefore, ascertained, as nearly as practicable, the amount of unexamined claims filed, and report them in bulk.

THIRD CLASS.

This class is composed of claims, for the auditing of which the existing laws have made no provision, or where the proof is insufficient. In it, however, are many meritorious claims, which will require special legislation to place them on the same footing with valid and authorized claims against the Government.

A number of claims have been filed for losses sustained during the revolution and subsequent invasions, being caused by the destruction of property by our own army and that of the enemy. On this character of claims, we have declined taking any action; informing the claimants that the same would be referred to the Legislature, for their consideration and action thereon. These claims, numbered from 1 to 71, amounting to \$426,314 03, will be found accompanying, marked "D."

It is necessary that some mode of assignment of the certificates of indebtedness issued should be prescribed by law.

We have audited the claims of those who performed military service, where the needful evidence was on file, regardless of any application of the claimants holding the certificate, subject to his order, or that of his legal representative: as many of these parties are now deceased, the proceeds of these claims should inure to the benefit of the heirs of the deceased; we therefore respectfully recommend the enactment of the necessary law to protect the rights of the widows and orphans of those who may have fallen in the defence of the country, by prescribing the necessary regulations to prevent persons from administering for the purposes of speculation. A law of this character was enacted by the Congress of the late Republic, for the protection of the estates of deceased soldiers of the Georgia Battalion. [See article 1053, Hartley's Digest].

Statements of several claims that would come under the 2d class were presented within the term of limitation, but unaccompanied with the needful proof. This the claimants, not being able to procure before the expiration of the limit, desire the privilege of producing hereafter. The statements have been filed, but could not be acted on; and it may be a subject worthy of consideration, whether additional time should not be allowed for the presentation of testimony in such cases, if a general extension of the limit be not granted.

Supposing that all the claims against the late Government, as shown by the official records, including the amount of supposed unaudited claims outstanding, had been filed as required by law, and assigning each class of those not filed the same equivalent value we have to those filed, the debt would then be as follows:

	OSTENSIBL	Ε.	PAR.	
Claims filed of all descriptions,				-
including interest, as before				
stated,	\$9,647,253	14	\$4,807,764	37
Claims not filed, of all descrip-				
tions, including interest,	2,789,738	20	2,019,514	27
Total debt, with interest, in-				
cluding the amount filed				
and unfiled,	12,436,991	34	6,827,278	64

All of which will more fully appear by reference to the accompanying statement marked "A."

Accompanying this report, is a register of the several claims acted on by us, which we respectfully request may be returned when it shall no longer be required by your Honorable Body.

JNO. M. SWISHER,
Auditor.

JAMES B. SHAW,
Comptroller.

APPENDIX E.

AN ACT*

Confirming the action of the Auditor and Comptroller under the provisions of an Act of the Legislature of the State of Texas, providing for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848, and the Act supplementary thereto, approved February 5th, 1850.

Be it enacted by the Legislature of the State of Texas, That the rate of payment and classification assigned to each character of liabilities of the late Republic of Texas, by the Auditor and Comptroller, under the provisions of an Act of the Legislature, approved March 20th, 1848, entitled an Act "to provide for ascertaining the debt of the late Republic of Texas," and the Act supplementary thereto, approved February 5th, 1850, as reported by them to the Legislature, in their report, of date November the 12th, A. D.1851, be, and the same is hereby, recognized and adopted by the State of Texas, and the value assigned to each class of liabilities by said officers, in their report aforesaid, is what the State of Texas recognizes as due to the respective claimants.

* Vetoed by the Governor, and subsequently passed by a constitutional majority of each branch of the Legislature.

APPENDIX F.

AN ACT

Providing for the Liquidation and Payment of the Debt of the late Republic of Texas.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That two millions of dollars of bonds of the indemnity due the State of Texas, and now at her disposal, for the sale to the United States of a portion of her north-western territory, under the provisions of an act of Congress, proposing to the State of Texas the establishment of her northern and western boundaries. etc., approved September 9th, 1850, are hereby appropriated for the payment of that portion of the debt of the late Republic of Texas embraced in articles third, fourth, ninth, tenth, fourteenth, fifteenth and sixteenth, and interest which may have accrued thereon, in cludedin articles twelfth and thirteenth of this section, which debt has been submitted for adjustment to the Auditor and Comptrollhr of the State, under the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, A. D. 1848, and an act supplementary thereto, approved February 8th, A. D. 1850, and reported by them to the Legislature in their report of November 12th, 1851, as follows:

First—For ten per cent. "Consolidated Fund,"
created by act of 7th June, 1837, - - - \$442,768 76

Second—For ten per cent. "Consolidated Fund,"
created by act of 7th June, 1837, issued under
an act for the relief of Swartwout and others, 7,970 43

Third—For ten per cent. "Funded Debt," created by act of 5th February, 1840, - - - 226,200 00

42		
Fourth—For eight per cent. "Funded Debt," cre-		
ated by act of 5th February, 1840,	7,284	00
Fifth—For eight per cent. "Treasury Bonds,"	,	
created by act of 5th February, 1840,	153,360	00
Sixth—For ten per cent. "Treasury Notes," is-	•	
sued under act of June 9th, 1837—first issue,	41,630	00
Seventh-For ten per cent. "Treasury Notes," is-		
sued under act of 9th of June, 1837—second		
issue,	165,685	50
Eighth—For "Treasury Notes," without interest,		
issued under act of 19th January 1839—third		
issue,	457,048	00
Ninth—For "Audited Paper," issued under vari-	00 451	
ous enactments,	69,451	52
Flowerth For Mon non cont. Ponds issued by Com-	26,129	81
Eleventh—For Ten per cent. Bonds, issued by Commissioners to negotiate a loan for \$5,-000,-		
000, viz:		
For loan obtained from Bank United States,	400.000	00
For purchase of steamer Zavala,		
For purchase of naval vessels, under contract	00,011	
with F. Dawson, now owned by James Schott		
and E. D. Whitney,	140,000	00
Twelfth—For Interest on the above liabilities, is-	,	
sued subject to interest as stated in the		
face of the certificates, 1	,468,185	26
Thirteenth—For Additional interest to 1st July,		
1850, allowed by Act approved 11th Februa-		
ry, 1850, on claims which had been audited		
prior to its passage,	113,664	80
Fourteenth—For amount filed and receipted for as	0	
second class debt,* :	679,222	40
Fifteenth—For amount filed and receipted for as	10.40	0.5
third class, since recognized as second class,		
*Original amounts reduced, respectively, \$16,257 86 and \$3,46	50 17, by the	e is-

Sixteenth—For amount audited by special Act of the Legislature, seventy-two thousand and seventy-seven dollars twenty-eight cents—less thirty-eight thousand and fifty-three dollars and seventy-three cents, amount acknowledged by joint resolution, approved March 15, 1848,

34,023 55

That the disbursements herein provided for, shall be made in the bonds or stock of indemnity alluded to in the first section of this act, or the proceeds thereof, by the Treasurer of this State upon the certificates of indebtedness, issued by the Auditor and Comptroller under the provisions of the laws above named; and in all other respects the said Treasurer shall be governed by the laws regulating the payment of money out of the State treasury; and the Comptroller of Public Accounts for the State of Texas is hereby authorised to transfer a sufficient amount of said stock, when the transfer shall be necessary, by simple endorsement, attested by his seal of office, to be countersigned by the Treasurer of the State, which transfer shall divest the State of all interest in such bonds or stock, and invest the same in the holder thereof. Provided, that payment shall be made on any claim against the State included in or forming a part of articles first, second, fifth, sixth, seventh, eighth and eleventh; or for interest which may have accrued thereon, included in articles twelfth and thirteenth, in the first section of this act. When the Governor of this State shall be notified by the President of the United States, that the Secretary of the Treasury of the United States has been required by law to issue to the State of Texas the five millions of dollars of stock withheld under the provisions of said act, approved September 9th, 1850, until certain creditors shall have filed releases at the Treasury of the United States, as therein required; or that said Secretary has been required by law to issue to the State of Texas sums of said stock, equal to the sums for which the State may at any time present the required releases from any portion of said creditors, at the Treasury of the United States; after

which notice, such claims shall be paid as provided for in other cases; and upon payment of the same, or any portion of said claims, the corresponding amount of bonds of the reserved five millions, which the State may be entitled to receive under the proviso of this section, shall be drawn for by the Comptroller, and deposited in the Treasury of the State, and shall be regulated and transferred in the same manner as provided for other bonds, and together with the surplus left of the appropriation named in the first section of this act, after payment of the sums to which it is to be applied, appropriated for and paid out only upon the claims embraced in articles first, second, fifth, sixth, seven, eighth, eleventh, twelfth and thirteenth of this act.

- Sec. 3. That it shall be the duty of the Comptroller, immediately after the passage of this act, to forward to the Secretary of the Treasury of the United States, a schedule of the names of the creditors, for the payment of whose claims conditional provision is made by the second section of this act, stating the amount to which each creditor is entitled.
- SEC. 4. That before the payment of any of the claims provided for by this act, the claimant shall be required to sign a receipt for the State of Texas, that the amount so received is in full liquidation and payment of the claim or claims so presented; and also a release exonerating the United States from the same—said release to be in form as required by the Secretary of the Treasury, and approved by the President of the United States, for releases under said act, approved September 9th, 1850, and that this act be in force from its passage.

Approved January 31st, 1852.

OF THE LATE OF THE LATE OF THE LATE		Dollars; the interest on which, at	duy of	2	Dollars, in Bar Funds	unto set our hands and affixed our	francis, unes
THI TO	Est's is to Estily, That DECEMBERATORE OF THE STATE OF TEXAS, entitled "Ofn Ofet to provisions of AT ACT of the Of the late Republic of Texas," approved 20th March, 1818, filed with the AUDITOR and	amounting to	the rate of	wes issued by the Government of Texas, at making the Dincipal equal to	at the same ratio, equal to	w. {}osztimony whereof	of of feet, ar Econom, areas

APPENDIX H.

DOCUMENT A.

ACCOMPANYING THE

REPORT OF THE AUDITOR AND COMPTROLLER

ON THE PUBLIC DEBT.

Statement of the Debt of the late Republic of Texas, exhibiting the original amount thereof, the portion redeemed, and the balance outstanding, after deducting the amount filed with the Auditor and Comptroller to the 1st of September, 1851, under the provisions of the Act approved March 20th, 1846, "to ascertain the debt of the late Republic of Texas."

AUDITED DRAFTS.

Amount of Audited Drafts issued by the Auditorial Department, from the organization of the Government to the 19th February, 1846, exclusive of those issued under the exchequer system, \$7,674,802 04

Amount carried forward, - \$7,674,802 04

Amount brought forward, Amount of Drafts issued by the General Council for the years 1835 and 1836, Amount of Stock issued to Swartwout and others, under	\$7,	674,802 6,980	06		
special law, Amount of Stock issued in re-	-	13,948	32		
demption of Land Scrip, Amount audited in favor of	-	66,400	00		
sundry persons, at the second session of the Legislature,	-	72,077	1 5	\$7,834,207	57
From the above, the following of	leduc	tions are	e to		
be made:					
Amount paid at the Treasury, Amount paid into the Treasury,	5,8	985,131	21		
received in the collection of Revenue and cancelled, Amount paid into the Treasury,	4	4 89,804	76		
received in the collection of Revenue and destroyed, Amount invested in the 10 per	1	149,256	39		
cent. Fund created by Act of June 7th, 1837,	8	835,500	00		
Amount invested in the 10 per cent. Fund created by Act of the 5th February, 1840,		46,600	00		
T	-			7, 505,292	36
Less the amount filed with the Auditor and Comptroller, Including the amount audited				328,915	21
at the second session of the Legislature,		. <u>.</u>		146,518	41
Balance of Audited Paper outstanding,	-	, ,	-	182,396	30

TREASURY NOTES.

Amount issued at different times an the Treasury for disbursement,	φ±,1±1,000 στ
From the above, the following ded	actions are
to be made:	
Amount redeemed at the Treasury and cancelled, Amount invested in the 10 per	772,439 00
rent. Stock created by act of February 5th, 1840,	777,080 00
Stock created by act of 5th February, 1840,	22,800 00
Amount received in collection of the revenue and destroyed, - Amount due by Collectors and	518,324 00
likely to be paid over, includ- ing the probable amount to be	
received from Land Dues and Patents,	129,750 00 2,220,393 00
	\$2,497,546 00
Less, amount filed with the Auditor and Comptroller,	2,201,193 00
Balance of Treasury Notes outstanding,	296,353 00
EIGHT PER CENT. T	REASURY BONDS.
Amount issued of this description of liabilities,	849,900 00
Amount received in collection of the Revenue and destroyed, Less amount filed with the	$\frac{41,200\ 00}{} \begin{array}{c} 808,700\ 00 \\ 766,800\ 00 \end{array}$

Auditor and Comptroller, .

Balance of the eight per cent.

Treasury Bonds outstanding,

808,700 00 766,800 00

41,900 00

"FUNDED DEBT."

TEN PER CENT. CONS	OLIDATED	STOCK.
Amount issued of the 10 per c't Consolidated Stock for the redemption of Audited Drafts under an act approved 7th		: "
June, 1837,	757,151	38
$the\ following:$		
Amount redeemed by issuing Land Scrip, and destroyed, .	1,500 (00
	755,651	 38
ADD amount of Stock of the	,	
character issued to Swartwout and others,	13,948 8	32
tion of Land Sorin	66,400 (
Less amount received in collection of Revenue,	10,000 (
Less amount filed with the Auditor and Comptroller,	632,526 8	80
Balance outstanding of the Con-		— 642,526 80
solidated Fund,	• •	. 193,473 20
TEN PER CEN	T. STOCK.	
CREATED BY ACT OF FIR		
Amount issued of this character	of Stock, fo	r
the redemption of Treasury N dited Paper,		
From which the following de-	813,800 0	
duction should be made:		
Amount redeemed by issuing		
Land Scrip, Less amount filed with the Au-	1,400 0	
ditor and Comptroller, Balance of 10 per cent. Stock	• •	- 812,400 00 - 754,000 00
outstanding,	• •	. 58,400 00

EIGHT PER CENT. STOCK,

OF 5TH FEBRUARY, 1840.

Amount issued, of this character of Stock, for the redemption of Treasury Notes, Less amount filed with the Auditor and Compt.,	27,080 00 24,280 00
Balance of 8 per cent. Stock outstanding,	2,800 00
"MISCELLANEOUS DEBTS."	
Amount borrowed from the United States Bank, for which Sterling Bonds were issued, Amount filed with the Auditor and Comptroller, Amount claimed by James Holford for the pur-	457,380 00 457,380 00
chase of the Steamer, Amount filed with the Auditor and Comptroller,	195,907 00 195,907 00
Amount claimed by F. Dawson and others, for the payment of Naval Vessels furnished, be- ing double the amount of the original con- tract claimed, on account of the Government being unable to pay at maturity, for which two bonds of \$280,000 00 were issued, - Amount filed with the Auditor and Comptroller	560,000 00 280,000 00
Balance outstanding, Miscellaneous debts of the 1st Class, in addi-	280,000 00
tion to those enumerated above, Amount filed with the Auditor and Comptroller,	42,387 73 42,387 73